

REMARKS

Claims 1-6 and 8-13 remain pending in this application. Claims 1-3, 5, 6, 8, 9, and 13 have been rejected. Claims 4, 7, and 10-12 have been objected to. Claim 7 is cancelled herein. Claims 1-6 and 8-12 are amended herein to clarify the invention and/or to change dependencies. Support for the amendment to claims 1-6 and 8-12 is found in, for example, the claims as filed.

Claims 1, 5, 6, 8, 9, and 13 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,757,837 (Provost et al.).

The Office Action states that the valve seat and valve member are made of materials having different wear resistance because the valve element is coated with “Stellite” and the valve seat is made of metal. Applicants have not been able to find in Provost et al. disclosure of the material of which the valve seat is made. In any event, the limitations of claim 4 (prior to being amended herein), which was deemed allowable in the Office Action, have been incorporated into claim 1. Thus, claim 1 is patentable over the cited art.

Claim 5 recites “said valve seat has a valve seat seal face provided so as to communicate with said outflow port and protrude into said float chamber.” The Office Action has not established that such elements are disclosed in Provost et al. Regarding claim 6, the Office Action has not established that in Provost et al. the valve element swayingly moves in the direction perpendicular to the valve seat seal

face, as recited in claim 6. In any event, the dependency of claim 5 has been changed and claim 5 is now dependent from claim 4. Claim 4 was amended to be an independent claim and to include the limitations of claim 7, which was deemed allowable in the Office Action. Thus, claim 4 is patentable over the cited art. Claims 5 and 6 are patentable at least for the reason that they depend from a patentable base claim. *See In re Royka and Martin*, 180 USPQ 580, 583 (CCPA 1974).

The Office Action has not established that Provost et al. discloses all of the elements of claims 9 and 13. In any event, claims 8, 9, and 13 ultimately depend from claims 1 and/or 4, which contain allowable subject matter, as described above. Accordingly, claims 8, 9, and 13 are patentable at least for the reason that they depend from a patentable base claim.

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,757,837 (Provost et al.).

Claim 2 recites “said valve seat has a valve seat seal face provided so as to communicate with said outflow port and protrude into said float chamber.” The Office Action has not established that such elements are disclosed or suggested in Provost et al. Regarding claim 3, the Office Action has not established that in Provost et al. the valve element swayingly moves in the direction perpendicular to the valve seat seal face, as recited in claim 3. In any event, claims 2 and 3 depend

from claim 1, which contains allowable subject matter, as described above. Accordingly, claims 2 and 3 are patentable at least for the reason that they depend from a patentable base claim. *See In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988); MPEP § 2143.03.

Claims 4, 7, and 10-12 have been objected to as being dependent upon a rejected base claim. The Office Action states that these claims would be allowable if rewritten in independent form. Claim 7 has been cancelled and its limitations have been incorporated into claim 4, which has been made independent. Claims 10-12 ultimately depend from claims 1 and/or 4, which contain allowable subject matter and which are independent. Thus, Applicants respectfully request that the objection to claims 4 and 10-12 be withdrawn.

One further claim in excess of twenty is added. **The fee of \$50.00 for the claim is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

If there is any discrepancy between the fee due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee or fee deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By C. Bruce Hamburg
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

By and,

By Ricardo Unikel
Ricardo Unikel
Reg. No. 52,309
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340